

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JESSICA MORRISSETTE,

Plaintiff,

v.

PINNACLE ASSET GROUP, LLC,

Defendant.

Case No. 14-10259

SENIOR UNITED STATES DISTRICT
JUDGE ARTHUR J. TARNOW

MAGISTRATE JUDGE MICHAEL
HLUCHANIUK

**ORDER ADOPTING IN PART REPORT AND RECOMMENDATION [26]; DENYING AS
MOOT DEFENDANT’S MOTION TO COMPEL ARBITRATION [10]; DENYING
DEFENDANT’S REQUEST FOR FEES AND COSTS; AND DISMISSING CASE WITHOUT
PREJUDICE**

On May 5, 2014, Defendant filed a Motion to Compel Arbitration [10]. Defendant asked the Court not only to compel arbitration, but also to dismiss the case and award Defendant fees and costs. Plaintiff filed a Response [12] on June 5, 2014, and Defendant filed a Reply [19] on July 30, 2014. Magistrate Judge Hluchaniuk held a hearing on the motion on September 17, 2014, and ordered the parties to submit supplemental briefs. Defendant filed its supplemental brief [23] on October 7, 2014, and Plaintiff filed her supplemental response [25] on October

13, 2014. On November 5, 2014, the Magistrate Judge issued a Report and Recommendation [26] recommending that the Court grant Defendant's motion to compel arbitration and dismiss the case, but deny Defendant's request for fees and costs. Neither party filed objections to the Report and Recommendation. On December 11 and 12, 2014, Plaintiff's counsel informed the Court by phone that Plaintiff had agreed to submit to arbitration.

The Court having reviewed the record, the Report and Recommendation [26] is hereby **ADOPTED IN PART**. The Court enters the Report and Recommendation as the findings and conclusions of the Court except in one respect. The Magistrate Judge recommended that the Court grant Defendant's Motion to Compel Arbitration [10]. The parties have subsequently submitted to arbitration voluntarily, rendering the Court's compulsion unnecessary. Defendant's Motion to Compel Arbitration [10] is therefore moot. Accordingly,

IT IS ORDERED that Defendant's Motion to Compel Arbitration [10] is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that Defendant's request for fees and costs is **DENIED**.

IT IS FURTHER ORDERED that this case is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.

Dated: February 10, 2015

s/Arthur J. Tarnow

Arthur J. Tarnow

Senior United States District Judge